

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.07.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**CrI.O.P.(MD) No.8831 of 2017**

M.Petchipandian

... Petitioner/Sole Accused

-Vs-

1. The State represented by
The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
(Crime No.151 of 2012)

... Respondent/Complainant

2. V.Mariayammal

... Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in connection with the trial proceedings pending in C.C.No.18 of 2016 on the file of the learned Judicial Magistrate(Additional Mahila Court), Tirunelveli and to quash the same in view of the compromise entered between the defacto complainant/second respondent and the petitioner/sole accused.

For Petitioners	:	Mr.N.Sathish Babu.
For R-1	:	Mr.K.Anbarasan, Government Advocate(Crl.side).
For R-2	:	Mr.S.P.Prabakaran.

O R D E R

This Criminal Original petition is filed only for quashing the trial proceedings pending in C.C.No.18 of 2016 on the file of the learned Judicial Magistrate(Additional Mahila Court), Tirunelveli, in view of the compromise entered between the defacto complainant/second respondent and the petitioner/sole accused.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the first respondent and the learned counsel appearing for the second respondent.



3. On the basis of the complaint preferred by the second respondent/defacto complainant, a case was registered by the respondent police in Crime No.151 of 2012 for the offences under Sections 294(b), 354 of I.P.C., r/w Section 4 of the Tamil Nadu prohibition of Harassment of Women Act. Thereafter, the respondent police filed charge sheet before the learned Judicial Magistrate No.3, Tirunelveli and the same was taken on file in C.C.No.252 of 2012 and the same was transferred to the learned Judicial Magistrate(Additional Mahila Court), Tirunelveli, and renumbered as C.C.No.18 of 2016.

4. The petitioner is the sole accused in the above said criminal case. When the criminal case is pending, the petitioner/sole accused and the second respondent/defacto complainant have entered into a compromise, at the instigation of the elders and well wishers. The parties have signed in the Joint Compromise Memo, pursuant to the compromise reached between them.

5. The parties appeared before this Court and stated in unequivocal terms that the Joint Compromise Memo was signed by them on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. Though the identities could not be verified by the respondent police, this Court is inclined to proceed and dispose of the Criminal Original petition, on the basis of the Compromise Memo, as the appearance of the parties and their individual identity have been confirmed by the respective counsels.

6. In the Compromise Memo, the defacto complainant has agreed that the complaint was due to previous motive in their work place and that the petitioner has settled the matter amicably.

7. In the said circumstances, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the compromise memo signed by the parties, the Criminal Original petition is allowed and the proceedings pending in C.C.No.18 of 2016 on the file of the learned Judicial Magistrate(Additional Mahila Court), Tirunelveli, is quashed toto and the Joint Compromise Memo signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



(Enclose the xerox copy of Joint Compromise memo)

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- 1.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.
 - 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 - 3.The Judicial Magistrate(Additional Mahila Court),
Tirunelveli,
- +1cc to M/S. N.SATHISH BABU, Advocate, SR.No.65178.

Cr1.O.P.(MD) No.8831 of 2017
12.07.2017

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